

EXAMINATION

AND

TRYALL

OF

Margaret Bell and *George Roper*
the severall Assizes held at *LA*

CASTER the 14th and 16th days of the Fifth Moneth
1663. And the 29th of the 6th Moneth 1664. For
Obedience to Christs Command who saith,

ALSO

Something in Answer to *John*
Lancelot Andrews Sermon Concerning
SWEARING.

Thus have you made the Commandment
of God of none Effect by your Trial
Nath. 5. 33.

Printed in the Year

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THE
EXAMINATION

AND

TRIAL

OF

James Earl and George Fox

the late Earl of Arundel and

the late Earl of Arundel and

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Printed in the Year 1644

The Examination of M.^r F before Judge
Twisden at the Assizes holden at
Lancaster Castle the 14 day of the first month
about the 9th hour in the morning 1663.
4.

She was called to the Bar & when she was at the Bar, order was given to the Gaoler by the Judge to set a Stool and a Cushion for her to sit upon; and she had four of her daughters with her at the Bar, and the Judge said, Let not M.^r Fells daughters stand at the Bar, let them come up hither, they shall not stand at the Bar. So they plucked them up & set them near where the Judge sat. Then after a while, the Millinies was read, & the Judge spoke to her & she stood up to the bar, and he began to speak to her as follo

Judge. He said, M.^r Fells you are commuted by the Iustices of Peace, for refusing to take the Oath of Obedience & I am commanded, or sent by the King to tender it to any that shall refuse it

M.^r F. I was sent for from my own house & family but for what cause or transgression I do not know.

Judge. I am informed by the Iustices of Peace in this County that you keep multitudes of People at your house in a pretence of Worshipping God & it may be you worship him in part, but we are not to dispute that.

M.^r F. I have the Kings word from his own mouth that he would not hinder me of my Religion. God forbid said he that I should hinder you of your Religion, you may keep it in your own house. And I appeal to all the Country whether those people that meet at my house, be not a peaceable, a quiet & a Godly honest people? And whether there hath been any just occasion of offence given by the meeting that was kept in my house

Judge If you will give security that you will have no more meetings I will not tender the Oath to you: you think if there be no fighting nor quarrelling amongst you, that you keep the peace and break no laws but I tell you, you are a breaker of the
Law

Law, by keeping of unlawful meetings, & again you break the Law in that you will not take the Oath of Allegiance.

M^{rs}. I desire that I may have liberty to answer to those two things that are charged against me, & first that which is looked upon to be matter of fact, which is concerning our meetings. There are several of my Neighbours, that are of the same faith, principle & spirit & judgement that I am of. & these are they that meet at my house & I cannot shut any door against them.

Judge. M^{rs}? you begin at the wrong end, for the first is the Oath.

M^{rs}. I suppose the first occasion of tendering to me the Oath was because of meeting, but as for that if I have begun at the wrong end, I shall begin at the other. And first then as to the Oath, the substance of which is Allegiance to the King: & this I shall do for my Allegiance I love even & honour the King, & desire his peace & well are, & that we may live a peaceable & quiet & godly life under his government according to the Scriptures, & this is my Allegiance to the King, & as for the Oath itself, Christ Jesus the King of Kings hath commanded me not to swear at all, neither by Heaven nor by Earth, nor by any other Oath.

Judge. He called for the Statute Book & the Grande Jury to be present then one of the Justices that committed her said M^{rs}. Tell you know that before the Oath was tendered to you, we offered that if you would put in security to have no more meetings at your house we would tender the Oath to you.

M^{rs}. I shall not deny that

Judge. If you will yet put in security that you will not have any more meetings. I will not tender it to you.

M^{rs}. I spoke to the Judge, & the Court & the rest of the people you all profess here to be Christians & likewise you profess the Scriptures; so in answer to those things that are said against me.

First (John) & Christ Jesus hath left upon Record in the Scriptures that God is a Spirit, & that his worship is in the Spirit & truth, and that he is seeking of such worshippers to worship Him, in which spirit I and those that meet in my house meet and wor-
ship

5

Ships God, in obedience to his doctrine and command.

2ly Mat. 5. The same Christ Jesus, hath commanded in plain words that I should not swear at all, and for obedience to Christ's doctrine and command am I here arraigned this day; and so you being Christians and professing the same, ~~being~~ in words, judge of those things according to that of God in your consciences, and I appeal to all the country, whether ever any prejudice or hurt those meetings did.

So after she had spoken of the worship of God in Spirit & obedience to Christ's doctrine and command. Ye

Judge. You are not here, for obedience to Christ's Command int^r for keeping of unlawful meetings, and you thing that if you do not fight, or quarrel, or break the peace, that you break no law, but there is a law against unlawful meetings.

M^r F. What law, have I broken for worshipping God in my own house?

Judge. The common Law.

M^r F. I thought you had proceeded by a Statute, then the Sheriff whispered to him & mentioned the Statute of the 35th of Ed. 3.

Judge. I could tell you of a Law but it is too penal for you for it might cost you, your life

M^r F. I must offer & tender my life & all for my testimony if it be required of me: then the latter part of the Statute was read to the Jury and the prisoner concerning the penalty of the Statute for refusal; for it would be to the forfeiture of all her estate real & personal, and imprisonment during life.

M^r F. I am a Widdow and my Estate is a Dower and I have five Children unprotected, and if the King's pleasure be to take my Estate from me upon the account of my Conscience and not for any evil or wrong done; let him do as he pleases, and further I desire that I may speak to the Jury of the occasion of my being here.

Judge. The jury is to hear nothing, but me to tender you the Oath and you to refuse it or take it.

M^r F. You will let me have the Liberty that other prisoners have, and then she turned to the Jury and said, — Friends, I am here this day on account of my

6
my Conscience, and not for any evil or wrong done to any man but for obeying Christ's Doctrine and Command, who hath said in the Scripture, that God is a Spirit, and that his worship is in the Spirit & Truth and for keeping Meetings in the unity of this Spirit, and for obeying Christ's commands and Doctrine who hath said ~~Swear~~ not at all; am I here arraigned this day. Now you profess your selves to be Christians, and you own the Scriptures to be true, and for the obedience of the plain words of Scripture and for the testimony of my Conscience am I here, so I now appeal to the witness of God in all your consciences to Judge of me according to that.

Secondly, You are to consider this Statute what it was made for & for whom, it was made for Papists, and the Oath was Allegiance to the King. Now let your Conscience Judge, whether, we be the people, it was made for, who cannot swear any Oath at all, only for Conscience sake, because Christ commands us, not to swear at all.

Judge. Then the Judge seemed to be angry & said she was not there, on account of her conscience, & said she had an everlasting tongue, you draw the whole Court after you, and she continued speaking on, and he still crying, will you take the Oath or no?

M.F. It is on account of my Conscience for if I could have sworn I had not been here.

Secondly, if I would not have meetings in my own house I need not to have the Oath tendered to me, and so I desire the Jury to take notice that it is only for those two things that I am here arraigned; which are only on account of my Conscience & not for any evil done against any man.

Then the Judge was angry again and bid them tender her the Oath and hold her the Book.

Judge. Will you take the Oath of Allegiance?

M.F. I have said already that own allegiance and obedience to the King at his just & lawful commands, and I do also

owe Allegiance and obedience to the King of Kings Christ Jesus, who hath commanded me not to swear at all.

Judge. *That is no answer, will you take the oath or will you not take it?*

M. F. I say I owe Allegiance and obedience unto Christ Jesus, who commands me not to swear.

Judge. *I say unto you that is no answer, will you take it or will you not take it?*

M. F. If you should ask me never so often, I must answer to you the reason why I cannot take it, is because Christ Jesus hath commanded me not to swear at all, I owe my Allegiance and obedience unto him.

Then one of the Justices that committed her, said, Mrs. Fell you may with a good Conscience, (if you cannot take the Oath) put in security that you may have no more meetings at your house.

M. F. Wilt thou make that good, that I may with a safe Conscience make an engagement to forbear meetings, for fear of losing my Liberty and Estate; wilt not thou and you all here judge of me that it was for saving my Estate and Liberty that I did it, and do I not in this deny my testimony; and would not this defile my Conscience.

Judge. *This is no answer, will you take the Oath? we must not spend time.*

M. F. I never took an Oath in my life, I have spent my days thus far, and I never took an Oath, I own Allegiance to the King as he is King of England, but Christ Jesus is King of my Conscience.—Then the Clerk held out the Book and bid her pull off her Glove and lay her hand on the book.

M. F. I never laid my hand on the book to swear in all my life, and I never was at this Assize before, I was bred and born in this County and have led my life in it, and I was never at an Assize before this time, and I bless the Lord that I am here this day upon this account, to bear testimony to the truth.—Then they asked her if she would have the Oath read, she answered, I do not care if I never hear an Oath read, for the Land mourns because of Oaths.

Judge. *Then the Judge cryed take her away, then they took her civilly away, and asked her if she would give security that she would have no more meetings.*

M. F.

my conscience, and not for any evil or wrong done to any man but for obeying Christ's Doctrine and Command, who hath said in the Scriptures, that God is a Spirit, and that his worship is in the Spirit & Truth and for keeping Meetings in the unity of the Spirit, and for obeying Christ's commands and Doctrine who hath said I hear not at all; am I here arraigned this day? Now you profess your selves to be Christians, and you own the Scriptures to be true, and for the obedience of the plain words of Scripture, and for the testimony of your Conscience am I here, so I now appeal to the witness of God in all your consciences to Judge of me according to that.

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M. F. Wilt thou make that good, that I may with a safe Conscience make an engagement to forbear meetings, for fear of losing my Liberty and Estate; wilt not thou and you all here judge of me that it was for saving my Estate and Liberty that I did it, and do I not in this deny my testimony; and would not this defile my Conscience.

Judge. *This is no answer, will you take the Oath? we must not spend time.*

M. F. I never took an Oath in my life, I have spent my days thus far, and I never took an Oath, I own Allegiance to the King as he is King of England, but Christ Jesus is King of my Conscience---Then the Clerk held out the Book and bid her pull off her Glove and lay her hand on the book.

M. F. I never laid my hand on the book to swear in all my life, and I never was at this Assize before, I was bred and born in this County and have led my life in it, and I was never at an Assize before this time, and I bless the Lord that I am here this day upon this account, to bear testimony to the truth.---Then they asked her if she would have the Oath read, she answered, I do not care if I never hear an Oath read, for the Land mourns because of Oaths.

Judge. *Then the Judge cryed take her away, then he took her civilly away, and asked her if she would give security that she would have no more meetings.*

M. F.

M. F. Nay, I can give no such security, I have spoken enough for that.

Then *George Fox* was called before *Judge Twisden*, being a Prisoner the Goaler brought him in.

Judge. What do you come into the Court with your Hat on, and then the Goaler took it off.

G. F. Peace be amongst you all, (and said) the Hat was not the honour that came down from God.

Judge. Will you take the Oath of Allegiance *George Fox*.

G. F. I never took Oath in my life.

Judge. Will you swear or no?

G. F. Christ commands we must not swear at all, and the Apostle; and whether must I obey God or man judge thee, I put it to thee,

Judge. I will not dispute with thee *George Fox*, come read the Oath to him, and so the Oath was read, and when it was read, give him the book said they, and so a man that stood by him held up the book and said lay your hand on the book.

G. F. Give me the book in my hand, which set them all a gazing, and as in a hope he would have sworn; then when he got the book in his hand, he held up the book and said, this book commands me not to swear if it be a Bible I will prove it; and he saw it was a Bible, and he held it up, and then they pluckt it forth of his hand again, and cryed will you swear, will you take the Oath of Allegiance yea or nay.

G. F. My Allegiance lies not in Oaths, but in truth and faithfulness, for I honour all men, much more the King; but Christ saith I must not swear, the great Prophet, the Saviour of the world, and the Judge of the world, and thou sayest I must swear, whether must I obey Christ or thee; for it is in tenderness of Conscience that I do not swear, in obedience to the command of Christ and the Apostle, and for his sake I suffer, and in obedience to his commands do I stand this day; and we have the word of a King for tender Consciences, besides his Speeches and Declarations at *Breda*; and dost thou own the King.

Judge. Yes, I own the King.

G. F. Then why dost not thou own his Speeches and Declarations

rations concerning tender Consciences, to the which he replied nothing but **George** said it is in obedience to Christ the Saviour of the world, the Judge of the world, before whose judgment seat all men must be brought, that I do not swear, and am a man of a tender Conscience, and then the Judge stood up.

Judge. I will not be afraid of thee, thou speakest so loud thy voice drowns mine and the Courts, I must call for three or four Cryers to drown thy voice, thou hast good Lung.

G. F. I am a Prisoner here this day for the Lord Jesus, that made heaven and earth, and for his sake do we suffer, and for him do I stand this day, and if my voice were five times louder, yet should I sound it out and lift it up for Christs sake, for whose cause I stand this day before your Judgment-seat, in obedience to Christs commands, who commands not to swear, before whose Judgment-seat you must all be brought, and give an account.

Judge. Sirrah will you take the Oath.

G. F. I am none of thy Sirrah, I am no Sirrah, I am a Christian, art thou a Judge and sits there to give names to Prisoners, thou ought not to give names to Prisoners.

Judge. I am a Christian too.

G. F. Then do Christian works.

Judge. Sirrah thou thinkest to frighten me with thy words, and looked aside, I am saying so again,

G. F. I speak in love to thee, that doth not become a Judge, thou oughtest to instruct a Prisoner of the Law and Scriptures if he be ignorant and out of the way.

Judge. George Fox, I speak in love to thee.

G. F. Love gives no names.

Judge. Wilt thou swear, wilt thou take the oath yea or nay.

G. F. As I said before, whether must I obey God or man judge ye, Christ commands not to swear, and if thou, or ye, or any Minister, or Priest here will prove that ever Christ or his Apostles after they had forbidden swearing, commanded men should swear, I will swear, and several Priests being there, yet not one did appear.

Judge. George Fox will you swear or no.

G. F. It is in obedience to Christs commands I do not swear,

and for his sake we suffer, and you are sensible enough of swearers, how they first swear one way then another, and if I could swear any Oath at all upon any occasion, I should take that, but it is not denying Oaths upon some occasion, but all Oaths according to Christs Doctrine.

Judge. *I am a servant to the King, and the King sent me not to dispute, but he sent me to put his Laws in execution, wilt thou swear? tender the Oath of allegiance to him.*

G. F. If thou love the King, why dost thou break his word, and not own his Declarations and Speeches to tender Consciences from *Breda*, for I am a man of a tender Conscience, for in obedience to Christs commands I am not to swear.

Judge. *Then you will not swear, take him Goaler.*

G. F. It is for Christs sake I cannot swear, in obedience to his commands I suffer, and so the Lord forgive you all.

And so the mighty power of the Lord God was over all.

The appearance of M. F. The second time being the 16th day of the aforementioned moneth 1663.

Jud. 1. Mrs. Fell you stand here indicted by the Statute, because you will not take the Oath of Allegiance, and I am here to inform you what the Law provides for you in such a case, viz. First, if you confess to the indictment the Judgment of a Premunire is to pass upon you, Secondly, if you plead you have liberty to Traverse. Thirdly, if you stand mute and say nothing at all, Judgment will be passed against you, so see what you will chuse of those three ways.

M. F. I am altogether ignorant of these things, for I had never the like occasion, so I desire to be informed by thee, which of them is the best for me, for I do not know, and so several about the Court cryed, Traverse, traverse.

Judge. *If you will be advised by me put in your Traverse, and so you have liberty untill the next Assizes to answer your indictment.*

M. F. I had rather according to thy own proposall have a Process, that I might have liberty untill the next Assize, and then to put in a Traverse.

Judge. *Your Traverse is a Process.*

M. F. May not I have a Process, and put in my Traverse the next Assizes, I am informed that was the thing that thou intended

tended that I should have.

Judge. *You shall have it.*

M. F. That is all I desire. — Then a Clerk of the Crown Office stood up and whispered to the Judge and said it was contrary to Law, and said I must put in my Traverse now.

Judge. *I would do you all the favour I can, but you must enter your Traverse now.*

M. F. I acknowledge thy favour and mercy, for thou hast shewn more mercy then my Neighbours hath done, and I see what thou hast done for me, and what my Neighbours have done against me; and I know very well how to make a distinction, for they who have done this against me they have no reason for it.

Judge. *I have done you no wrong; I found you here.*

M. F. I had not been here but by my Neighbours.

Judge. *What say you, are you willing to Traverse.*

M. F. If I may not be permitted to have that which I desire (that is) longer time, I must be willing to Traverse till the next Assizes, and that upon this account, that I have something to inform thee of, which I did not speak on the last time when I was brought before thee: The Justices which committed me, they told me they had expresse order from above, but they did not shew me the order, neither indeed did I ask them for it, but I heard since that they have given it out in the Country that they had an order from the Counsel, others said they had an order from the King. — The Sheriff said there was expresse order; and also Justice Fleeming said there was an order from the King and the Counsel, so the Country is incensed that I am some great enemy to the King, so I desire that I may have this order read, that I may know what my offence is that I may clear my self.

Judge. *I will tell you what that order is, we have expresse order from the King to put all Statutes and Laws in execution, not only against you, but all other people, and against Papists if they be complained of.*

M. F. Will that order give the Justices of Peace power to fetch me from my own house, to tender me the Oath.

Judge. *Mrs. we are all in love, if they had an order believe they had one.*

M. F. If they have one let them shew it, and then I can believe it.

Judge. *Come, come, enter the Traverser.*

M. F. I had rather have had more time, that I might have informed the King concerning these things.

Judge. *You may inform the King in half a years time, so now let us have your friend called up.*

Then after she was gone down, the Judge called her back again and said, if you will put in Bail you may go home, and have your liberty till the next Assizes, but you must not have such frequent meetings.

M. F. I will rather lie where I am, for as I told you before, I must keep my Conscience clear for that I suffer.

The 16th day of the same moneth G. F. Was brought before the Judge the second time, where he was a little offended at his Hat, being the last morning before he was to depart away, and not many people.

Judge. *The Judge he read a Paper to him which was, whether he would submit, stand mute, or Traverse, and so have judgment past; he spake these and many more words so very softly and in haste, that G. F. Could not tell what he said.*

G. F. Desired it might be Traversed and Tryed.

Judge. *Take him away, then I will have no more with him, take him away.*

G. F. Well live in the fear of God and do Justice.

Judge. *Why, have I not done you Justice.*

G. F. That which thou hast done hath been against the command of Christ.

This with much more was spoken which could not be Collected.

And then G. F. was called up.

The 29th day of the 6th moneth in the year 1664.

At the Assizes holden at Lancaster, M. F. Brought to the Bar, the Indictment read to the Judge, come will you take the Oath.

M. F. There is a Clause in the Indictment, that the Church-Wardens informed of something which seemeth, that that should

should be the ground or first occasion of this Indictment, I desire to know what that Information was, and what the transgression was by which I come under this Law.

Judge. *Mistress, we are not to dispute that, you are here indicted, and you are here to answer, and to plead to your indictment.*

M. F. I am first to seek out the ground and the cause wherefore I am indicted, you have no law against me except I be a transgressor, the law is made for the lawless and transgressors; and except I be a transgressor ye have no law against me, neither ought you to have indicted me, for being that the Church-Wardens did inform, my question is, what matter of fact they did inform of, for I was sent for from my own house, from amongst my Children and Family, when I was about my outward occasions, when I was in no meeting, neither was it a meeting day; therefore I desire to know what this first foundation or matter of Fact was, for there is no law against the innocent and righteous, and if I be a transgressor let me know wherein.

Judge. *You say well, the Law is made for transgressors, but Mistress do you go to Church?*

M. F. I do go to Church, Judge, what Church, M. F. To the Church of Christ.

Judge. *But do you go to Church amongst other people, ye know what I mean.*

M. F. What dost thou call a Church the house or the people, the house ye all know is Wood and Stone, but if thou call the people a Church, to that I shall answer; as for the Church of England that now is, I was gathered unto the Lords truth, unto which I now stand a witness before this Church was a Church, I was separated from the general worship of the Nation, when there was another set up then that which is now, and was persecuted by that power that then was, and suffered much hardship, and would you have us now to deny our faith and our principles which we have suffered for so many years; and would you now have us to turn from that which we have born witness of so many years, and turn to your Church contrary to our Conscience.

Judge. *We spend time about those things, come to the matter in hand.*

hand, what say ye to the Oath and to the indictment?

M. F. I say this to the Oath, as I have said in this place before now, Christ Jesus hath commanded me not to swear at all, and that is the only cause and no other; the righteous judge of heaven and earth knoweth, before whose throne and justice ye must all appear one day, and his eyes sees us all and beholds us all at this present, and he hears and sees all our words and actions; and therefore every one ought to be serious, for the place of judgment is weighty, and this I do testifie unto you here, where the Lords eye beholds us all, that for the matter or substance of the Oath, and the end for which it was intended; I do own one part and denies the other, that is to say, I do own truth and faithfulness and obedience to the King, and all his just and lawful demands and commands; I do also deny all plotting, contrivings against the King, and all Popish Supremacy and Conspiracy, and I can no more transgress against King *Charles* in these things, then I can disobey Christ Jesus his commands, and by the same power and vertue of the same word, which hath commanded me not to swear at all, the same doth bind me in my Conscience, that I can neither plot nor contrive against the King, nor do him nor no man upon the earth any wrong; and I do not deny this Oath only because it is the Oath of Allegiance, but I deny it because it is an Oath, because Christ Jesus hath said I shall not swear at all, neither by heaven, nor by earth, nor any other Oath; and if I might gain the whole world for swearing an Oath I could not, and what ever I have to lose this day for not swearing of an Oath, I am willing to offer it up.

Judge. What say you to the indictment.

M. F. What should I say, I am clear and innocent of the wronging any man upon the earth as my little Child that stands by me here, and if any here have any thing to lay to my Charge, let them come down and testifie it here before ye all; and if I be clear and innocent you have no law against me: Then Colonel *Kirby* and the Sheriff whispered to the Judge, and I looked up and spoke to Colonel *Kirby*, and said let us have no whispering, I will not have so many Judges one of one side, and another of another, here is one Judge that is to be judge,
and

and the judge said no no I will not hear them; and then I called to Colonel Kirby, and said if thou have any thing to lay to my charge, or to speak against me come come down here and testifie against me, and I said the judge represents the Kings person and his power, and I own that.

Judge. *Jury take notice she doth not take the Oath.*

M. F. This matter is weighty to me, whatsoever it is to you upon many accounts, and I would have the Jury to take notice of it, and to consider seriously what they are going to do; for I stand here before you upon the account of the loss of my Liberty and my Estate.

Secondly, I stand here in obeying Christs commands, and so keeping my Conscience clear, which if I obey this law and King Charles commands I defile my Conscience and transgresseth against Christ Jesus, who is the king of my Conscience, and the cause and controversie in this matter, that you all are here to judge of this day, is betwixt Christ Jesus and King Charles; and I am his servant and witness this day, and this is his cause, and whatsoever I suffer it is for him, and so let him plead my cause when he pleaseth.

And the Judge said to the Jury are ye all agreed have ye found it, and they said for the King.

M. F. Then spoke to the Judge, and said, I have counsel to plead to my indictment, and he said he would clear them afterward in arrest of judgment; so the Court broke up that time, and after Dinner when they came again, they intended to have called us at the first, and they had called G. F. out and was calling of me, and I stepped up to the Bar and desired the Judge that he would give us time till the next morning to bring in our Reast of Judgment, and the Judge said at the first we should and I was stepping down to go my way, and the Judge called me back again, and said Mistress Fell you wrote to me concerning your Prisons that they are bad and rains in, and are not fit for people to lie in, and I answered, the Sheriff doth know and hath been told of it several times; and now it is raining if you will send to see at this present, you may see whether they be fit for people to lie in or no; and Colonel Kirby stood up and spoke to the Judge to excuse the Sheriff, and the bad-

badness of the room, and I spoke to him and said if you were to lie in it your selves you would think it hard, but your minds is only in cruelty to commit others, as *William Kirby* here hath done, who hath committed ten of our friends, and put them into a cold room where there was nothing but bare boards to lie on, where they have laid several nights, some of them old ancient men above threescore years of Age, and known to be honest men in their Country where they live, and when *William Kirby* was asked why they might not have liberty to shift for themselves for beds, he answered and said they were to commit them to prison, but not to provide Prisons for them; and we asked him who should do it then, and he said the King: And then the Judge spoke to him and said they should not do so, they should let them have Prisons fit for men, with several more such like words; and then at that time we were returned to our Chambers again, the next day we were called about the 10th hour, and I stood up to the Bar, and said I had Counsel there and named them that the Judge might assign them to speak, and I said I had two or three words to speak before them, and I said I did see all sorts of Prisoners that did appear before the Judge received mercy, what the Law would afford them; but we desired only to receive Justice and Law, and the Judge said what are we hear for else; so I stepped down and the Lawyers spoke and shewed the Judge severall errors, and defects, and places of contradiction, and confusion in the indictment; at which the Judge seemed to give ear to some of them, others he seemed to wave, but he made a pause and a stop, and seemed dissatisfied, and then called G. F. and so then when he came to plead, and bringing that by which his indictment was quite quenched, and then they put the Oath to G. F. Again the Judge spoke to the Lawyers, and said he would consider of those particulars they had spoken to, and he would speak to his Brother *Twisden* before he passed Judgment upon me; but if I do pass Judgment you may have a Writ of Error and the Lawyers answered him again, will you pass a erroneous Judgment my Lord, so after they had called the Grand Jury, and tendered G. F. the Oath again, they returned us to our Chambers, and when they had drawn another indict-

indictment of *G. F.* and found it, they called us again in the afternoon, and *G. F.* pleaded to his indictment and entred his Traverse, when he had done the Judge spoke to me and said, if such a word had been in, which was not in mine, but it was in *G. F.* (and yet it was neither of those words, by which his indictment was quashed;) but if that had been in mine he said he would not have passed sentence, but being that it was not there he passed sentence of Premunire, then I stood up and told him that he had said to my Counsel, that I might have a Writ of Error to reverse it, he said I should have what the Law would afford me, so I said the Lord forgive thee for what thou hast done, and this Law was made for Popish Recusants, but ye pass sentence but on few of them.

Margaret Fell.

The last Assizes holden at Lancaster the 29th of the 6th Moneth 1664.

I George Fox being called before the Judge, was put amongst the Fellons and Murtherers, and there stood amongst them above two hours, the people, and the Justices, and Judge gazing upon me; and there they tryed many things before the Judge, and they called me to the Bar, and then the Judge caused me to be brought, and he then caused the Jury to be called, and then he askt the Justices whether they had tendered me the Oath at the Sessions, and they said they had, and the Judge caused the book to be given to the Justices for them to swear, they tendered me the Oath according to the indictment, and some of them would have refused, and the Judge said he would do it to take away occasion, that there might be no occasion; and when the Justices and Jury was sworn, the Judge askt me whether I had not refused to take the Oath the last Assize, and I said I never took an Oath in my life, and Christ the Saviour and Judge of the world saith swear not at all; and the Judge askt me whether or no I had not refused to take the Oath the last Assizes, and I answered, the words that I said to them was, That if they could prove either

Priest, or Teacher, or Justices, that after Christ and the Apostles had forbidden swearing, that afterwards they commanded that men should swear, I would swear.

The Judge said he was not at that time to dispute whether it was lawful to swear, but to enquire whether or no I did refuse to take the Oath.

Georg. Those things as concernining plotting and the Popes forreign powers, &c. Contained in that Oath I utterly deny.

The Judge. *Said, I said well in that.*

George. I said to them again as before, that if they could prove that after Christ and the Apostle forbad swearing, that again they commanded to swear, I would swear, but Christ and the Apostle commanded not to swear, therefore I should shew forth Christianity, for I am a Christian.

The Judge askt me again, whether I had denyed the Oath, what did I say?

George. What would thou have me to say, I have told thee before what I have said.

The Judge askt me if I would have those men to swear that I had taken the Oath.

Geo. Would thou have those men to swear that I have refused to take the Oath, at which the Court burst out into laughter; I asked them if this Court was a Play-house, where is Gravity, and Sobriety, for that did not become them, and so the indictment being read, I told the Judge I had something to speak to it; & I askt him whether all the Oath was not to be put into the indictment, and he said yes, why then said I here is (pretended to be derived and his Heirs and Successours) left out, and I askt him whether the Oath was to be put to the Kings Subjects and he said yes.

I answered, why am not I put in as a Subject, but the word (Subject) left out of the indictment which is in the Oath, and so makes it not the same Oath, Jury take notice of it, but the Judge said I must speak to the Jury, at which words the Judge read the Oath, and found it was as I had said, so he stood up and said he could put the Oath to me, or any man in the Court, and so they began to be disturbed in themselves also the Justices;

And

And there began to be a murmuring against the Clerks, and the Judge he got up and began to cover the errour, so I askt whether the last eleventh day of *January* the Sessions was kept at *Lancaster*, which they call Munday, and whether or no the Sessions was not on that they call Tuesday the twelfth of *January*, all people take your Almanacks, and see whether any Oath was tendred, *G. F.* the 11th of *January*, whether the Sessions was not upon the 12th and the Clerks and people lookt their Almanacks, and saw it was the 12th and the Judge askt whether the 11th was not the first of the Sessions, and they answered there was but one day, and it was the 12th and the Judge said then it was a great mistake; and then all the Justices was struck, and some of them could have found in their hearts to have gone off, and said they had done it on purpose, and said what Clerk did it, and a great stir was amongst them, and then I spöke to the Jury how that they could not bring me in guilty according to that indictment, and the Judge said I must not speak to the Jury, but he would speak to them, and said they might bring me in guilty I denying the Oath; then I said what should you do with a form then, and do not go according to it, then you may throw the form away, and then I told the Jury that it lay upon their Consciences as they would answer the Lord God before his Judgment-seat, before whom all must be brought, and so the Judge spoke to me, and said he would hear me afterwards any reasons that I could alledge wherefore he should not give Judgment against me, and so he spoke to the Jury, and I bid him do me Justice and do Justice, and so the Jury brought in for the King guilty.

And I told them then that the Justices had forsworn themselves and the Jury both, and so they had small cause to laugh as they did a little before, and to say I was mad, and before I had brought forth my reasons I stood a little while, and the Judge said he cannot dispute, but then the people said he is too cunning for them all, after I had brought forth my reasons, how contrary to their own indictment they had done and sworn, and brought me in guilty; Oh the envy, and rage, and malice, that was among them against me and lightness, but the Lord confounded it all, that abundance of it was slain, and so I

told them I was no Lawyer, and the Judge said he would hear me what I could alledge before he did give Judgment, and so I cryed all people might see how they had forsworn themselves, and gone contrary to their own indictment, and so their envy and malice was wonderfully stopt, and so presently M. Fell was called, who had a great deal of good service amongst them, and so the Court broke up near the second hour, many more words was spoken concerning the truth.

And so in the afternoon we were brought up to have sentence passed upon us, and so M. Fell desired that Judgment and sentence might be deferred till the next morning and we desired nothing but law and justice at his hands, for thieves had mercy, and I desired the Judge to send some to see my prison being so bad, they would put no creature they had in it, it was so windy and rainy, and I told him that Colonel Kirby who was then on the Bench said I should be lockt up, and no flesh alive should come at me, and most of the Gentry of the Country being gathered together, expecting to hear the sentence, but they were crost that time, so I was had away to my prison, and some Justices with Colonel Kirby went up to see it, and when they came up in it they durst scarcely go in it, it was so bad, rainy, and windy, and the badness of the floor, and others that came up said it was a Jakes house, I being removed out of the prison which I was in formerly and so Col. Kirby said I should be removed from that place ere long, that I should be sent unto some securer place, for he spake to the Judge in the Court, saying, he knew that the Justices would joyn with him, but the Judge said after I have past sentence I will leave him to the Jaylor, and how I was not a fit man to be conversed with, none should converse with me, and all the noise amongst the people was that I should be Transported and so the next day towards the 11th hour we was called forth again to hear the sentence and judgment, but M. Fell was called first before me to the Bar, and there was some Counsellours pleaded, and found many errours in her indictment, and so she was taken by, after the Judge had acknowledged them, and then the Judge askt what they could say to mine, and I was willing to let no man plead for me, but to speak to it my self, and though M. Fell had some that plead-
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ed for her, yet she spoke as much her self as she would, and though they had the most envy against me, yet the most gross errors was found in mine, and before I came to the Bar I was moved to pray, that the Lord would confound their wickedness, and envy, and set his truth over all, and exalt his seed; the thundering voice answered I have glorified thee, and will glorifie thee again, and I was so filled full of glory, that my head and ears was filled full of it; and that when the Trumpets sounded & the Judges came up again, they all appeared as dead men under me, and so when I was to answer to the errors of the indictment, seeing that all the Oath as he said himself was to be in, I told him there was many words of the Oath left out, which was (pretended to be derived, and his Heirs and Successors) and I bid them look the Oath and look the indictment, and they might see it, and they did, and found it according to my words; and I askt them whether the last Assizes holden at *Lancaster* was in the 15th year of the King, which was the 10th day of *March*, and they said nay it was the 16th year; then said I look your indictment, and see whether or no it is not the 15th year, and then they were all of a fret both Judge and Justices, for it was the 15th in the indictment; then the Judge bid them look whether *M. Fells* was so or no, and it was not so: I told them I had something else to speak concerning the indictment, but they said nay, I had spoken enough, so the indictment was thrown out, so I told them that they had small cause to laugh as they had done a little before, for they might see how the Justices and the Jury was forsworn men, and so I bid him do me justice, and he said I should have law, and the Judge said I was clear from all the former, and he started up in a rage and said, but he would proffer the Oath to me again; I told him they had example enough for swearers and false swearers, both Justices and Jury yesterday before their faces, for I saw before mine eyes both Justices and Jury had forsworn themselves, who heard the indictment, and so he askt me whether I would take the Oath, I bid him do me justice for my false imprisonment all this while; for what had I been prisoner all this while for, for I ought to be at liberty, then he said I was at liberty, but I will put the Oath to you again: Then I turned
me

me about, and cryed all people take notice this is a snare, and all was mighty quiet, and all people was struck and astonisht, and he caused the Grand-Jury to be called, for he had called them before when I was there, when he saw they would be overthrown, and the Jury would fain have been dismiss, but he told them he could not dismiss them, for he had business for them, and they might be ready when he called them, and I felt his intent, that if I was freed he would come on again, so I lookt him in the face, and he was judged in himself, for he saw that I saw him, so he caused the Oath to be read to me again, and caused the Jury to be called, and then when the Oath was read he askt me whether I would take the Oath or no, and the Jury standing by, I told him I never took Oath in my life, and he bid them give me the book, and I bid them give it me in my hand and I opened it, and he bid me swear, and I told him the book bid swear not at all, again he bid me swear, and I told him the book said I should not swear, and held it open to them, and said by the book I would prove that men should not swear.

And if they would prove after Christ and the Apostle had forbidden swearing, that afterwards they commanded to swear, then I would swear, for I was a man of a tender Conscience; and if they had any sense of a tender Conscience they would consider this, and the Judge askt me whether I would take the Oath, and bid them give me the book again, I told them ye give me the book to swear, and the book saith I should not swear at all; and so you may prison the book, the Judge said he would imprison *George Fox*, I answered nay, you may prison the book, which saith swear not at all, and the Sheriff and the Judge said the Angel swore in the Revelations, I answered, I bring forth my first begotten Son into the world saith God, let all the Angels in heaven worship him, who saith swear not at all, and the Judge said often he would not dispute, and so then I spoke much to the Jury how that it was for Christs sake, that which I did; and therefore none of them to act contrary to that of God in their Consciences, for before his Judgment-seat they must all be brought, and for all those things contained in the Oath, as plots and persecuting about Religion, and the Popes

Popes power, &c. I denyed them in my heart, and I am a Christian, and shall shew forth Christianity this day, and it is for Christs sake that I stand for it is *Lotish shabim be Col dabor*, and they all-gazed, and there was a great calm, and they took me away, but there was many more words both to the Jury and to them.

Then in the afternoon we was called again, where I stood among the thieves a pretty while with my Hat on, at the last the Goaler took it off, and when I was called to the Bar the Jury brought in guilty for the King, and the Judge askt me what I could say for my self, I bid them read the indictment, I would not answer to that I did not hear, and as they read, the Judge bid them take heed it was not false again, and they read it so amazedly, that when they spoke to me I did scarcely understand what they said, and the Judge askt me what I would plead, I told them I desired to have a Copy of that indictment, and to have some time to answer to it, for the last I had but lately, and never heard it read but once, and then in the Court, and so the Judge askt me what time I would have, and I said till the next Assizes, and the Judge said I should, then he askt again what I would plead, I told him I was not guilty at all of denying Swearing, Swearing obstinately and wilfully, and those things contained in the Oath as Jesuitical plots, and foreign powers, &c. I utterly denyed them, and he said I said well in that, and the Judge said the King was sworn, the Parliament was sworn, and the Justices and he was sworn, and the law was upheld by Oaths; I told them they had sufficient experience of mens swearing, had not the Justices and Jury forsworn themselves, and had they not read the book of Martyrs, how many of the Martyrs suffered because they could not swear, both in the ten persecutions, and in *Bonnors* days, and the Judge said I would the Laws were otherwise, then I said our yea is yea, and our nay nay all along; and if we transgress our yea and nay let us suffer as they do that do break an Oath, and so to deny swearing is not a new thing in obedience to Christs command, and I said this we had sent to the King who said it was reasonable, and so after several more words I was had away to my Chamber being (as I was before) to answer to the indictment.

indictment, and so the truth and power of the Lord God was glorious over all, and many spirits was crost grievously in their envy and malice.

There was many things spoken both to Judge, Jury; and People, which were too large to mention.

And so the Judge told *Margaret Fell* her Sentence, and I lie upon a new indictment.

G. F.

Something in Answer to Bishop Lancelot Andrews Sermon concerning Swearing, being one of his Sermons upon the Third Commandment, the place that he treats upon is in Jer. the 4th the words are these: And thou shalt swear the Lord liveth in Truth, in Judgment, and Righteousness.

ANd further, to prove the lawfulness of swearing, he brings *Deut. 6. 13. Isa. 45. 23. — Psal. 63. and last ver. and how Abraham sware, Gen. 21. 24. and Isack sware, Gen. 26. 31. and Jacob sware, 31. 33. and Abrahams servant sware, Gen. 21. 24. and Gen. 24. 3. & Numb 30. 3. Which saith he, an Oath is to the lifting up of a burthen as to the entring of a Bond.*

First, He saith an Oath is to be used in solemn matters, and he brings these Scriptures following out of the Old Testament to prove it, *Psal. 144. 8. Numb. 30. 3. Psal. 119. 106. Psal. 15. 15. Chron. 2. 36, 9. Ezek. 17. 12. Psal. 110. 4. Psal. 89. 35. Kings 1. 22, 16. Lev. 5. 1. 1 Chron. 15. 15. Gen. 24. 3 & 47. 29.*

Secondly, For the nature of an Oath he quotes *119. Psal. 9 ver. & Numb. 10. and last ver.*

Thirdly, He speaks of the manner of an Oath, and produceth for Confirmation these Scriptures following, *Deut. 12. 8. Num. 5. 18 Dan. 12. 7. Rev. 10. 5. Kings 1. 8, 31. Exod. 22. 8. — Neh. 5. 12. Numb. 5. 19 Prov. 29. 24. Judg. 17. 2. Lev. 5. 1. Sam. 1. 3, 27. Kings 1. 22, 16. Gen. 25. 33. Kings 1. 1. 43. Jer. 18. 8.*

First, As for all the above mentioned Scriptures which he hath quoted in the time of the Law, and before the Law, and the Angels swearing in the *Reve'ations*, do not prove that Christians may swear; and we do grant ye the time before the Law men did

did swear, and also the Angel swore, *But Christ is come the first begotten whom God hath brought forth into the world, and saith, Let all the Angels worship him; And this is my beloved Son hear ye him* saith God: And Christ saith how that in the old time men was to perform their Oaths to the Lord, these were their true oaths which they were to perform and they were not to swear falsely, but to perform their Oath to the Lord; so here Christ in his Doctrine lets them see the false oaths and the true oaths in the old time, and that was the true oath to swear by the Lord, and to swear the *Lord liveth*: And every tongue should swear, and Abraham, and Isaac, and Jacob, and Joseph, and the Prophets swear, but Christ is the end of the Prophets, and doth fulfil the Law, & reigns over the house of Jacob, & Joseph, & before Abraham was, *I am* saith Christ, And so though they swear before the law and under the law, and the Angel in the *Revelation* swear, & the Angel that swear swear by the Lord as the oath was in the time of the Law, and before the law, and this was the oath that Christ minds them on in his Doctrine here, that they were to perform to the Lord, yet now mark his Doctrine, which he himself lays down and commands, *But I say unto you now swear not at all, &c. Matthew 5. 24.* In the Hebrew language it is **לא תשבעו בכל דבר** But let your Communication be yea, yea, nay, nay, whatsoever is more than these cometh of evil; in the Hebrew its **והיה דברכם כן אין אין** And further proof, see how James lived in the same Doctrine and practice, and held it forth to the 12 tribes which was the Jews, who had the oath of God, and was to swear in the time of the law; see his general Epistle in the 5th Chap. and also speaking in the second Chapter of such as drove them before the Judgment-seat, but in the 5th Chapter this is his command above all things, *My brethren swear not at all, neither by heaven nor by the earth*, in the Greek its **Πρὸ πάντων ὃ ἀδελφοί μου, μὴ ὀμνύετε μὴτε ἢ ὕραν, μὴτε ἢ γῆν**, This you may call creatures or made things: But mark James goes further, and saith **μὴτε ἄλλον πᾶ ὄρκον**—nor by any other oath, but let your yea, be yea, and your nay, be nay, lest you fall into Condemnation, **ἢ τω ὃ ὑμῶν τὸ ναὶ, ναὶ καὶ τὸ ἔ, ἔ ἵνα μὴ ὑποπέσητε.**

Mark the danger now, and whether we have not ground enough in the fear of the Lord God to obey Christs commands and the Apostles Doctrines, *Lest we fall into condemnation and evil*, we have set some words down in the Greek tongue, that those it most concerns may see the original, but the Spirit is ours, and the commands of Christ, and the Apostles doctrine to be obeyed in what tongue soever it be written in, but we would Query the thing with any, whether the Apostle James who wrote to Jews and not to Gentiles, did not write in the Hebrew tongue and not in Greek, and if so, then his words to them in this particular are **ועל-כל-דברים אחי אל-תשבעו לא בשמי ׀ ולא בארץ ולא באלה אחרת ויהי דברכם כן כן ואין אין פן תפלו כמשפט** the Pricks, Points, and Accents, and the plain and naked interpretation of the Hebrew word we have left for them it most concerns to adde.

Secondly, As for all the Scriptures he brings against rash swearing, and false swearing, it would rejoyce our hearts to have the Priests do that, and the Magistrates punish it for a couple of Railing Priests come the other day and sware before our faces lightly and vainly, and justified it when they had done; it would become Magistrates and them better if they did not suffer an oath to be heard in the Towns, or Markets, or Ale-houses, or Streets, you that have power, not to suffer those things; for you would have work enough to restrain such things, and such persons, and not to fall upon the innocent which in obedience to Christs commands and the Apostles doctrine cannot swear for Conscience sake: For imprisoning such emboldens people to swear, and would it not be better for people, and would ye not shew forth more Christianity to keep to yea and to nay in all their Communications according to Christs commands and the Apostles doctrine.

Thirdly, There was Bond in the old time by oath, but Christ he looses from the Bonds and brings to peace and liberty, and makes free, and saith, *swear not at all*: And so though we be in outward Bonds, it is for Christ Jesus sake, and the word of God is not bound.

Fourthly, And though Moses sware in the time of the law, and

and *Abrahams* servants sware, yet Christ the Son saith, *swear not at all* and we are to hear him in all things the great Prophet.

Fifthly, And as for the ceremonies of the oaths, Christ is the substance of all ceremonies, that saith, *swear not at all*.

Sixthly, And though *David* sware, he that *David* called Lord saith, *swear not at all*, and he is upon his Throne.

Seventhly, And where he saith, thou shalt swear by the Lord, and swear the Lord liveth, they were not to swear by them that were no Gods, nor creatures, nor by the earth, nor by heaven, or by the hand, or by *Jerusalem*; now what are the oaths that all Christendom swears, both Papists and Protestants? whether it be the oath that was amongst the Jews, and whether or no they practise the oath that they do now, and whether or no is that ceremony now used, if not, when did God alter it; where about in Scripture, and in what place of Scripture is it that he sets this way and ceremony of swearing in Christendom, both amongst Papists and Protestants, which is to swear by the book, and by the Evangelists? is this beyond the Jews swearing, by the City, or by Head, or by the Temple which Christ forbid, and not only those oaths, but the oath of God, which the Jews was to swear by, Answer these things.

Eightly, And as for *Zedekiahs* oath to *Nebuchadnezzar*, and *Josephs* oath to *Pharaoh*, this was in the time that oaths were to be Performed amongst the Jews and Patriarchs, and what is this to Christs doctrine which forbids oaths, which oaths was before Christ came.

Ninthly, And as for the oath of Supremacy & the other, it is to acknowledge the King of *Eng.* and Allegiance to him, which things hath been manifest and practised by us, but not by such as sware Allegiance to the Kings father, and swore the one way and the other way, and hast not thou and many of you taken the oath against him, and such as have sworn one while for him, and another while against him; how are they in Allegiance to him that swears one way and another way? and cannot there be in truth and faithfulness Allegiance to the King without swearing? for now how should we stand in Allegiance to Christ if we did not obey his commands the King of Kings מלך
מלכי for he commands us not to swear, but keep to yea

and nay, and one of his great Embassadours to Nations that went with his Message to the twelve tribes saith, *above all things my Brethren swear not at all, lest you fall into condemnation.*

Tenthly, There were two states of oaths, the one was that people was to perform to the Lord and swear, and the other was that God sware by himself concerning his Son Christ Jesus, which when he came who fulfilled Gods oath, he ended the other oath, and saith, *swear not at all*, and calls the first oath the old time; he fulfilled the truth, and let them see how in the time of the law false oaths were forbidden in the old time, and heathenish oaths were forbidden in the time of the law, for they were not to swear by *Baal*, but they were to perform their oaths to the Lord, which Christ saith unto them, *swear not at all*, and so he ended that oath; so there is no oaths before the fall, and there is no oaths in the restauration again by Christ Jesus but yea and nay, according to his doctrine, but amongst *Moses* and the Prophets, and in the old time before *Moses* and the Prophets men did swear, as *Abraham* and *Isaack*, &c. But he the great Prophet is come that is to be heard in all things, and he the oath of God Christ Jesus stands and remains.

Eleventhly, The Apostles speaking to the Hebrews, swearing by a greater which was an end of controversie and strife amongst them, he brought this as a similitude, not that the Hebrews should swear, for if he had, he had contradicted *James* which wrote to the twelve tribes his doctrine to them, which were Hebrews, but he brought it as a similitude, that the oath which men swear by the greater ended strife; but God not finding a greater then himself, he sware concerning his Son which is Christ, who ends the strife, who destroys the Devil and his works, the Author of strife; for the oath in the time of the law ended the strife, but we see oaths now adays begins it, and why, the matter is because in Christ Jesus men do not live, who is the peace and Gods oath.

Twelfthly, Where as the Bishop saith, that they hold in Divinity that to swear of and by it self considered, is an act forbidden no less then to kill &c.

Ans. In the time of the law they killed and swore, but Christ saith, *swear not at all*, and also he saith, *love enemies*; and how do

do these agree to kill and to love enemies, and love one another;
And if one strike thee on the one cheek turn the other to him.

And this paralleling the Magistrates executing justice upon Malefactors; As he that sheddeth mans blood, by man shall his blood be shed again: Is not a paralleling with Christs doctrine, who saith, *swear not at all*, for that may be done by witnesses without oath, as thou maist read the Scriptures in the old time, when oaths were denyed in the primitive time among the primitive Christians, who were in Christs doctrine, thou maist read how they did things by witnesses, as the Apostle speaks in the mouth of two or three witnesses, &c. Which place he instances of what was done in the time of the law, which was a statute of judgment among the Jews, *Whosoever killeth any person, the murtherer shall be put to death by the mouth of witnesses, &c.* But no oaths are mentioned here, *Num. 35. 30.* with *Heb. 10. 28* read that throughout, and also *Deut. 19. 15.* & *1 King. 21. 10.* &c And many more Scriptures might be alledged which you that have read Scriptures are not ignorant of.

Now for the practice amongst the Saints, see *Mat. 18. 16.* Christ who bids them keep to yea and nay, in that place lays down a practise to be used amongst them in matter of fault and transgression how it should be ended by two or three witnesses, read the words that in the mouth of two or three witnesses every word shall be established, and what dost thou think that he would order them to swear, who had once forbidden it? and read the 8. Chap. of *John* and 17. ver. And we do not find that the witnesses against Christ that he should speak blasphemy, *Mat. 26. 65.* That they did swear, and also you may see in *Acts 6. 11, 12, 13.* How they that were hired against *Stephen*, no mention is made of their swearing, moreover you may see in *2 Cor. 13. 1.* The Speech of the Apostle amongst the Saints, how he tells them of his coming unto them in the mouth of two or three witnesses; he doth not tell that he is coming to them with oaths in their mouths, Mark, the Apostle was an Elder and had care of the Churches.--And again the Apostle that writes to *Tim.* a Bishop, an Overseer of the Churches, saith he, against an Elder receive not an accusation, but before two or three witnesses. Now he doth not say before two or three men that

that swears, for if he had he would have contradicted Christs doctrine and *James*, 1 *Tim.* 5. 19. & 2 *Tim.* 2. Saith the Apostle to *Tim.* the Bishop, *The things that thou hast heard of me amongst many witnesses, the same commit to faithful men who shall be able to teach others also.* Now he received this by witnesses, not by oath, and he was to commit it and not by oaths, and were not these the things that the whole Church came to be ordered by? And this was amongst the Christians in the primitive times when oaths were ended, and many more things might be alledged which were too tedious for you to read.

Thirteenthly, And whereas he brings that objection of the Anabaptists, which is that it standeth not with Christian profession, but was tollerated as an imperfect thing under the law.

Ans. Which objection of theirs we do not own, as we do not own the Bishop for swearing; for it was the way of the Lord, and the way of the Lord was perfect, and the Commandment for swearing was good in it self, untill the time of Christ who is perfect that ends the law, and people must live in him Christ Jesus and walk in him that saith, *swear not at all*, that ends the oath, and is the oath of God; dost thou not read of a people in the *Galatians* and *Romans* that was turned back into the law, from the law of the Spirit, and the Apostle told them he that broke one point was guilty of all, and he brought them to the law of love which fulfilled the law.

Fourteenthly, And as for all the Scriptures the Bishop brings to prove that the Christians sware in the primitive time they are nothing to the purpose, though the Bishop say that Christ admits of some swearing, which both his own words and the Apostles contradicts; Christs words are, *swear not at all*; And the Apostles are above all things, &c.--And so he goes on and lets them see what was in the law, committing Adultery was forbid under the law, but in the time of Christ looking upon a Woman and lusting after her was committing Adultery.---And he sets forth in the justice of the law an eye for an eye, and a tooth for a tooth, and shews how that in the time of the law thou shalt not kill, and whosoever shall kill shall be in danger of judgment, but I say unto you, that whosoever shall be angry with his Brother without cause shall.

shall be in danger of judgment; and so he tells both swearing and killing to be in the old time, and said except the Righteousness exceed the Righteousness of the Scribes and Pharisees you shall in no wise enter into the kingdom of heaven.

Fifteenthly, And as to that of the Apostle speaking in the *1 Thes. 2*. God was his witness that he did not make Covetousness his Cloak.

Ans. It were well if the Priests could say so now, but this doth not prove that he swore, and there are many men that takes man to be his witness; and that is not an oath, surely is it? Thou understands that? And if this were an oath, why do you cast friends into prison?

Sixteenthly, And that of the *Galatians* Chapter 1. 2. There is nothing in that place like unto an Oath which he brings.

Seventeenthly, And as for the *2 Cor. 4. 23*. Verse, there are not so many Verses in that Chapter. And as for the *Ephesians* 4th and 15th which he brings for Christians to swear, which he says we are bound at all times to speak truth to our Neighbours.

Ans. He doth not say we are to swear truth at all times, but to speak it at all times.

Eighteenthly, And that which he brings in *Acts 23. 3*. How the Apostle reprov'd the High Priest, that caused him to be smitten contrary to law.

Ans. Here the Apostle was preaching the Gospel and Christs doctrine to them, to the Priests that had the Law and outward things; this was nothing to the purpose, that the Apostle should swear, or that Christians should swear. And in the 14th Verse which he quotes. *Ans.* Those were the bad people that bound themselves with a Curse, that they would neither eat nor drink till they had killed *Paul* that preached the Gospel, this is nothing at all that Christians should swear.

Nineteenthly, We say there were Heathens oaths and Jews oaths which were to swear by the Lord, which Christ calls the old time, which they were to perform, which oath Christ ends; and saith, *swear not at all*, for in the time of the law the Jews were to deny all false oaths, and heathenish oaths, and they were not to swear by *Baal*, but the true oath which
Christ

Christ ends: And did not the Christians suffer in the Primitive times, because they could not swear by the Prosperity of *Cesar*; and was not that oath then imposed upon them? And by the good fortune of the Emperour, was not that another oath? And did not many Christians then suffer because they could not swear, read the ten persecutions which was a long time before the Pope got up, and then did not the Pope when he had got up over the Churches, give forth both Oath and Curse, with Bell Book and Candle? And was not the ceremony of his oath to lay three fingers a top of the book to signifie the Trinity? And two fingers under the book to signifie Damnation of body and soul if they sware falsely. -- And was not there a great number of people that would not swear, and suffered great persecution, as read the Book of Martyrs but to *Bonners* days, and its little above an hundred years since the Protestants got up; And they gave forth the Oath of Allegiance, and the Oath of Supremacy, the one was to deny the Popes Supremacy, and the other to acknowledge the Kings of *England*; So we need not to tell you of their form, and shew you the ceremony of the oath, it saith kifs the Book, and the Book saith kifs the Son; which saith, *swear not at all*, and so cannot Allegiance be to the King in truth and faithfulness, as was said before without an Oath, yea and more then many that swears.

So you may see to deny swearing is no new thing, for it was the practise of the Christians in former times to deny it, both in Heathens and the times of Popery before Protestants; and so it is in obedience to the command of Christ that we do not swear in our loves to him, & if we say he is Lord & Master and do not the thing that he commands, that is but deceit and hypocrisie. -- And so rash and bad swearing that was forbidden in the time of the Law, it was not that which Christ came to fulfill, but true Oaths, and the true Types, Figures, and Shadows, and he saith, *swear not at all*.

Twentiethly, And as for *Acts* the 13th there is nothing spoken of swearing, there as all people may read.

21thly, And whereas the Apostle often speaks, and taking to witness a Record upon his own soul by his rejoycing in Christ

Christ Jesus, what is all this to swearing and taking an oath, or where did ever the Apostle take a solemn oath, or command the Brethren and Churches to do the same? for often he speaks of the witness out of the mouth of two or three witnesses shall every word be established. — And the Bishop often brings the 1 Cor. 15. 31. *By our rejoycing which I have in Christ Jesus, I die daily*; This place cannot be brought for a proof that the Apostle sware; If so, when thou saist by thy meat thou art refreshed, and by the fire thou art warmed, and people tells thee thou must go by such a lane to such a Town, they all swear then, do they not?

22thly, As for the Particle *Nū* the Bishop says its never used but in an oath only.

Ans. And what is *Nū*, is it not (*truly*) as also the Primitive word *vai*, which signifies *yea*? and is not that word *vai* in the aforementioned, 5th of *Matthew* and 5th of *James*, where swearing is denyed — for is not *vai* in Greek *yea* in English; and is not *Nū* in Greek *truly* in English, and if every man that says *yea* and *truly* Iweareth, then the Bishop proves his Assertion. — And is not there a difference between [כ] and [שבע] — So in Meekness and Love read this over in that from which it was sent.

P O S T - S C R I P T.

Christ Jesus who is the King of Kings, and Lord of Lords, the Beginning and Ending, First and Last, him by whom God will Judge the World in Righteousness.

V*V*E Query of you whether he or any of his Apostles, after they had given forth a Command that none should Swear, but keepe to yea and nay in all their Communications, can any Minister or Teacher prove this in expresse words out of the New Testament that they ever commanded to swear, or did swear, that will satisfie, that will end all: But that we should be cast into prison for our obedience to Christs command, by you that professes your selves to be Christians, and own Christ Jesus as you say, is not right: And he commands you to love

Enemies if you did obey his commands, and love one another; for they
 that are Christians and own Christ Jesus they should love one another:
 For this was a mark by which they were known to be Disciples learners
 of him. And so they that are lovers of him, own him and obey him and
 his doctrine, so though we do suffer here by you all the Sessions or As-
 sises; we do commit our cause and you that do persecute us to the Ge-
 neral Assizes and terrible day wherein God will Judge the world in
 Righteousness, by the man Christ Jesus whose commands we obey in
 tenderness; and there we know we shall have true Judgment without
 respect of persons, there our Hats will not be looked at before the Al-
 mighty, but the action and transgression, and who hath served God,
 and who hath not served him; for Christ hath told you before hand
 what he will say to them that visits him not in prison, where he is
 made manifest in his Brethren: Then what will become of them that
 casts them into prison for tenderness towards God, for obeying his D-
 ctrine, and keeps to yea and nay in their Communications according to
 his words— And so these things we leave to the General day, Though
 we can say the Lord forgive you that doth thus persecute us if it be his
 will freely from our hearts, for we do you nor no man harm, but seek
 the good and peace of all men, and for this cause for obeying the truth
 we do suffer.

20 AP 57

G. F.

 THE END.

